UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and MONSANTO TECHNOLOGY LLC, Plaintiffs, vs. E.I. DUPONT DE NEMOURS AND COMPANY and PIONEER HI-BRED INTERNATIONAL, INC., Defendants.	)	Case No. 4:09-CV-00686-ERW

DUPONT'S MOTION FOR LEAVE TO FILE UN-REDACTED DECLARATION AND EXHIBITS THERETO UNDER SEAL

Pursuant to E.D. Mo. L. R. 13.05(A), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "DuPont") respectfully move the Court for an order allowing DuPont to file under seal a complete, unredacted copy of the Declaration of Jeanna M. Wacker, Esq. and the exhibits thereto. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

2. The Declaration of Jeanna M. Wacker contains documents relating to certain questions the Court asked at the telephone hearing on January 24, 2011, and which DuPont's counsel wishes to discuss at the continuation of that hearing tomorrow morning, January 26, 2011 at 8:00 a.m. The documents attached to this declaration contain information designated as Confidential or Restricted Confidential by at least one of the parties. Therefore, the Declaration of Jeanna M. Wacker and the exhibits thereto should be sealed. DuPont is not filing a redacted version of the Memorandum in Opposition as part of the public record due to the pervasive

nature of the confidential information in the attached exhibits, but it can attempt to do so if necessary at a later time.

WHEREFORE, DuPont respectfully requests that the Court enter an order allowing it to file under seal a complete, unredacted Declaration of Jeanna M. Wacker, Esq. and the exhibits thereto.

Dated: January 25, 2011

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: /s/ C. David Goerisch
Andrew Rothschild, #4214
C. David Goerisch, #77207
600 Washington Avenue, Suite 2500
St. Louis, Missouri 63101
(314) 444-7600
(314) 241-6056 (facsimile)
arothschild@lewisrice.com
dgoerisch@lewisrice.com

Leora Ben-Ami
Thomas F. Fleming
Christopher T. Jagoe
Howard S. Suh
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
(212) 836-8000
(212) 836-8689 (facsimile)
lbenami@kayescholer.com
tfleming@kayescholer.com
cjagoe@kayescholer.com
hsuh@kayescholer.com

Donald L. Flexner
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue, 7th Fl.
New York, New York 10022
(212) 446-2300
(212) 446-2350 (facsimile)
dflexner@bsfllp.com

James P. Denvir
Amy J. Mauser
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue, N.W.
Washington, D.C. 20015
202-237-2727
202-237-6131 (facsimile)
jdenvir@bsfllp.com
amauser@bsfllp.com

Counsel for Defendants E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

- **Steven M. Berezney**
steve.berezney@huschblackwell.com
- **Kurt G. Calia**
kcalia@cov.com
- **Matthew A. Campbell**
macampbell@winston.com
- **Scott W. Clark**
sclark@mwe.com
- **Joseph P. Conran**
joe.conran@huschblackwell.com
- **Todd J. Ehlman**
tehlman@winston.com
- **Anthony J. Franze**
Anthony.Franze@aporter.com
- **Greg G. Gutzler**
greg.gutzler@huschblackwell.com
- **James M. Hilmert**
jhilmert@winston.com
- **George C. Lombardi**
glombardi@winston.com
- **Kurt A. Mathas**
kmathas@winston.com
- **Omri E. Praiss**
omri.praiss@huschblackwell.com
- **John J. Rosenthal**
jrosenthal@winston.com
- **Rebecca M. Ross**
rmross@winston.com
- **Mark A. Smith**
markasmith@winston.com
- **Steven G. Spears**
sspears@mwe.com,jjknapp@mwe.com
- **Tamara M. Spicer**
tamara.spicer@huschblackwell.com,jean.melenbrink@huschblackwell.com
- **Gail J. Standish**
gstandish@winston.com
- **Dan K. Webb**
dwebb@winston.com

/s/ C. David Goerisch